



ACT
Government

Education and Training

Visitors in Schools Framework

Visitors providing services directly to and in support of students

Policy and Procedures

Policy: Visitors in Schools Framework:
Visitors providing services directly to and in support of students

Contact: Manager, Legal Liaison and Regulation

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Relevant Legislation: *Education Act 2004 (ACT)*
Government Procurement Act 2001 (ACT)
Health Records (Privacy and Access) Act 1997 (ACT)
Privacy Act 1988 (Cwlth)
Spent Convictions Act 2000 (ACT)

Related Documents: These are listed at Attachment A and include relevant Directorate documents and policies.

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1 Purpose

The purpose of this policy is to assist schools to utilise visitors from the wider community, including the international community, to provide services directly to students or in support of students, appropriately, safely and in accordance with good management practice.

2 Policy

Visitors may support or deliver programs or activities only where full consideration of other suitable arrangements has been undertaken, where the benefit to the students or to the school can be established, and where the requirements of the Visitors in Schools Framework have been met.

3 Key definitions

Visitors – People from the wider community, including the international community, who provide services directly to students or in support of students, through an employing or sponsoring organisation.

Visitors as volunteers – Visitors who come under the auspices of not for profit organisations and whose assistance to schools would otherwise fit within the Working with Children and Young People – Volunteering policy and procedures (also referred to as the Volunteering policy).

Volunteers – People who, in accordance with government policies, provide support of benefit to the community, of their own free will, without monetary reward and under the auspices of an ACT Government agency.

Other definitions and abbreviations are set out at Attachment B.

4 Principles

4.1 Utilisation of visitors

Visitors' services or activities must have a clear educational purpose, add value and relevance to student learning, complement the whole school program, and be undertaken in accordance with this framework.

Support provided by visitors may include:

- enrichment and specialist support for students – for example, music tuition and sport development
- support for student health and wellbeing – for example, health professionals and mentoring
- non-teaching support – for example, information technology support
- support in 'special categories'. Appropriate 'special category' activities include the provision of canteen services, fieldwork experience for pre-service teachers or community service placements.

4.2 Implementation of the Visitors in Schools Framework

The 'Visitors in Schools Framework' provides tools and guidance to ensure that visitors' participation is managed consistently and well, and understood by all participants, to ensure the greatest benefit to schools and visitors.

All required procedures must be completed, and all relevant forms and agreements must be in place, before a visitor's activity or program commences.

The Visitors in Schools Framework consists of:

- Policy and Procedures
- Help for Schools (including Checklists, Forms and Agreements)
- Information for Visitors and their Employing or Sponsoring Organisations.

Schools must implement the requirements of the Visitors in Schools Framework so as to:

- protect the right of students to learn in a safe, well-organised environment
- meet the Directorate's corporate governance responsibilities, including legislative, insurance and accountability obligations
- put in place appropriate paperwork for entering commercial and other relationships.

The Directorate will provide a range of pro forma and special purpose agreements for schools to use to engage visitors.

The Visitors in Schools Framework establishes the minimum implementation procedures required by the Directorate. Schools may develop complementary school-based policies and procedures suited to their local conditions and school environment.

5 Procedures

5.1 Engagement

5.1.1 Mechanisms to engage visitors

Schools do not have the legal capacity to expend public money on any form of employment on an hourly, sessional or similar basis, but may use agreements approved by the department to engage appropriate visitors.

Schools can acquire the assistance of appropriate people through:

- the Directorate's temporary employment system (people employed this way are not visitors)
- arrangements made by the Directorate
- for services valued under \$5 000, a commercial arrangement utilising the Visitors Short Form of Contract
- for services valued above \$5 000, a commercial arrangement using the Directorate's procurement process and contracts – the service provider must have a registered ABN and be covered by appropriate insurances

- for services provided free of charge, an approved agreement or memorandum of understanding (MOU) with the person's sponsoring or employing organisation
- arrangements made under the Working with Children and Young People – Volunteering policy and procedures.

Schools must not sign contracts provided by individuals or organisations without clearance from the Directorate (either the Schools and Corporate Support Section or the Legal Liaison and Regulation Section), to allow careful consideration of the legal issues. The ACT Government prefers its own contracts, and will consider creating a suitable agreement if one does not exist.

Not for profit organisations

Some visitors may provide assistance to schools under the auspices of not for profit organisations. Where this assistance is essentially the same as assistance provided under the Volunteering policy, these people will be considered 'visitors as volunteers'. 'Visitors as volunteers' will be engaged using the Volunteering nomination, screening and code of conduct procedures. However, the organisation providing the 'visitors as volunteers' will need to meet the requirements of the Visitors in Schools Framework, including appropriate insurance cover.

Parents and citizens associations

Parents and citizens associations play an important role in providing financial and other support to schools. Staff or volunteers of parents and citizens associations providing assistance to schools do so under the requirements of the Visitors in Schools Framework.

5.1.2 Conditions of agreements

The Directorate's standard agreements for visitors require the use of:

- nomination forms
- code of conduct statements
- screening forms (to be used if needed)
- privacy and confidentiality undertakings (to be used if needed).

Schools should consider including other special conditions according to the type of service or activity the visitor will provide, such as:

- requirements for particular qualifications or expertise
- copyright/intellectual property requirements
- requirements to conform with particular Directorate policies, such as the Acceptable Use of Information Technology Resources Statement.

The standard agreements will contain prompts to assist principals to identify relevant inclusions. The Help for Schools, which forms part of the Visitors in Schools Framework, also provides some assistance.

5.1.3 Qualifications, expertise and experience

Where a visitor is directly engaged by a school to meet a need for a particular activity (for example, giving instruction in playing a sport or musical instrument, or in a craft), the

principal must consider, for safety and quality reasons, what qualifications, expertise or experience are necessary for that activity.

Before engaging a visitor, the principal must assess whether the visitor is able to meet the requirements, including by verifying their claims with any relevant external organisations. Principals must have regard to relevant Directorate policies and procedures, such as Outdoor Adventure Activities – Policy and Mandatory Procedures.

Where the visitor is provided through another area of the Directorate, this responsibility will rest with the manager of that area.

5.1.4 Insurance

Each visitor, or their employing or sponsoring organisation, must provide evidence of appropriate and current insurance cover (see Attachment C). This will need to be provided at the same time as the formal agreement is completed, before the visitor's activity or program commences.

5.2 Nomination and screening

The visitor nomination and screening processes help the Directorate and schools to exercise their duty of care to protect the safety of any student against injury that should reasonably have been foreseen, and to maintain effective corporate records.

Exceptions to the requirements for completion of nomination forms and screening are:

- visitors employed by other ACT Government agencies
- visitors who are guests or official guests of the school.

5.2.1 Nomination forms

A nomination form must be completed for every visitor. Individuals trading in their own right should use the Nomination Form – Individuals. Where visitors are employed by an organisation, the organisation must submit a Nomination Form – Organisations, attaching a Nomination Schedule that names the individual/s who will provide the service. A separate nomination form must be completed for each new service or activity.

Each nomination form will be valid for a period of up to three years. However, the nomination form must be updated if a visitor's personal details or the details of the visitor's employing or sponsoring organisation change.

5.2.2 Screening

A screening check is a check of person's national criminal history record.

Need for screening

When a school is planning to engage a visitor, the principal must assess each activity the visitor will undertake, the context in which each activity will take place and the school's duty of care responsibilities, to determine whether a screening check is required.

Screening of visitors is not required:

- if there is direct supervision by a teacher or Directorate officer and the visitor remains within eyesight, earshot or close proximity of the supervisor

or

- if there is indirect supervision by a teacher or Directorate officer and the visitor has only brief periods when they are out of eyesight, earshot or close proximity
- and
- if the visitor has no access to personal student information held in either hard copy or electronic form.

Screening of visitors is required:

- if there is limited supervision by a teacher or Directorate officer or a duty of care assessment indicates that the visitor should be screened
 - in any situation where the principal assesses that the nature of the activity or the type of contact with students is such that the duty of care responsibilities of the teacher or Directorate officer require that the visitor be screened
- or
- if the visitor would have access to personal information or access to the school's local area network.

Where possible, schools may consider modifying visitor activities to increase the level of supervision so that screening is not required.

Screening process

Screening of visitors is conducted through the Directorate. The principal must forward the completed Screening Check Request (supplied in the Help for Schools) and screening forms (available from the department), in a sealed envelope, to Employee Relations for processing.

This screening will comply with s. 19 of the ACT *Spent Convictions Act 2000*. The Information for Visitors Completing the Nomination Form attached to the nomination forms provides further information.

Visitors providing a service on a commercial basis will need to meet the cost of the screening check. Where visitors are volunteers under the auspices of a not for profit organisation, costs will be met by the Directorate.

It should be noted that screening reports for working with children and young people are more rigorous than those obtained for other employers or purposes.

Schools and the Directorate will arrange secure storage of the personal information of visitors in accordance with the Directorate's record keeping policy and with the provisions of the Commonwealth *Privacy Act 1988*.

Identification card

On completion of a satisfactory screening check, the Directorate will issue an identification card, which will be valid for the period specified in the service or activity agreement (up to three years) and must be returned to the Directorate at the end of that period or on cessation of engagement of the individual. Where possible, the identification card will carry a photograph.

If a visitor has received an identification card through an arrangement put in place at one school, the card is valid for arrangements with other schools.

5.3 Protocols

5.3.1 Code of conduct

Visitors must agree to comply with the Code of Conduct: Visitors providing services directly to and in support of students (see Attachment D) when they complete their nomination forms. This code clarifies the type of conduct that is expected of visitors, and forms part of the visitors' contractual arrangements.

Visitors will be expected to also comply with any relevant professional codes of conduct.

5.3.2 Information security

Privacy and confidentiality

There may be circumstances where visitors need to have access to personal information about students or circumstances where visitors in the course of a service or activity acquire personal details concerning students, families or staff.

Visitors also may have access to information about a school and/or the Directorate which is not public knowledge and which is inappropriate or unauthorised for disclosure by visitors. This information must be kept confidential.

Visitors will be required to meet the obligations imposed on school staff under the Commonwealth *Privacy Act 1988* and Information Privacy Principles and the ACT *Health Records (Privacy and Access) Act 1997*. This requirement will be set out in the agreement for the activity or service. The code of conduct also includes an undertaking to observe confidentiality.

Principals must consider the nature of personal and Directorate information and how a visitor accesses it to determine whether an additional confidentiality undertaking is required. If the information involves sensitive personal information about students, such as academic results or special needs, health or family information, or sensitive information about the school such as financial details, the visitor must also sign a Confidentiality/Non-disclosure Statement (provided in the Help for Schools) or a Confidentiality Deed.

The principal must determine which form of undertaking is appropriate; if necessary, advice can be obtained from the Directorate. In some cases, where visitors have access to the school's local area network, the signing of the Acceptable Use of Information Technology Resources Statement may be sufficient.

Access to computer networks

Visitors may undertake activities involving access to digital media such as personal computers, cameras and compact disks.

However, visitors must not be allowed access to a school's local area network unless they have been contracted to provide a network-related service and relevant documentation, including a satisfactory screening check for working with children and young people and a signed Acceptable Use of Information Technology Resources Statement, is in place. Such visitors must receive an approved log-on identity.

Under no circumstances may any visitor be allowed access to EDUnet.

5.3.3 School protocols

Before engaging visitors, schools must set out protocols to protect the right of students to learn in a safe, well-organised environment and to provide a good practice framework for the delivery of programs and activities.

School protocols **must** include:

- **Identification** – All visitors must carry a recognised form of identification. If a visitor does not have a Directorate identification card (issued after a satisfactory screening check), the school must provide an identification badge. The badge must be returned to the school at the end of the visitor's specified period of service. Schools must store identification badges securely when they are not in use.
- **Daily sign-in** – The school must use a Daily Sign-in Form to record the dates of attendance, start and finish times and activities undertaken by visitors. This must be completed for every visit. An appropriate member of school staff must countersign each entry. Schools must store the Daily Sign-in Forms in accordance with school and Directorate record-keeping policy. The forms should be located:
 - in the front office of each school or preschool
 - at other locations within the school campus as determined by the principal
 - at other locations where visitor activities or services occur away from the school campus.

Other useful protocols may include:

- procedures for
 - entering and exiting the school
 - responding to emergencies
 - maintaining safety and security, including access to keys
- guidelines for
 - access to school resources or storage of own resources
 - appropriate interaction with students
 - use of building facilities, equipment and telephones
 - use of parking facilities
- processes to make visitors aware of
 - relevant school and Directorate policies
 - mandatory reporting requirements of school staff
 - relevant lines of authority and assistance.

5.3.4 School records

Schools should retain visitor nomination forms and schedules, Daily Sign-in Forms and agreements signed with visitors and/or visitors' employing or sponsoring organisations in

secure storage, such that they can be accessed if required, for a period of seven years following the completion of the activity or service.

5.4 Private support arrangements

5.4.1 Paid Tutors

Under the Directorate's Paid Tutors – Policy and Implementation Guidelines, tutors may provide specialist enrichment programs for students, approved by the school board and paid for by parents or carers, taking place outside of normal instructional time and accessible to all students of the school community. Operational arrangements are set out in the Paid Tutors policy and are the responsibility of the school parents and citizens association's paid tutor management committee.

Paid tutors are visitors. The Visitors in Schools Framework clarifies requirements of the Paid Tutors policy relating to the safety of students and required insurances.

Where paid tutors are established and operated through parents and citizens associations, principals must ensure that both the requirements of the Directorate's Paid Tutors policy and the relevant requirements of the Visitors in Schools Framework are met.

5.4.2 Private tutoring (interim arrangements)

Some paid tutor arrangements vary from the Paid Tutors – Policy and Implementation Guidelines but may continue under interim arrangements.

Principals must ensure that any paid tutor activities that are conducted outside of the provisions of the Paid Tutors policy are consistent with:

- the Paid Tutors policy
- the Statement on Requesting Voluntary Financial Contributions from Parents (Schedule One)
- Directorate guidelines for the hire of school facilities
- the Visitors in Schools Framework.

Parents and carers who wish private tutoring of their children to occur during normal instructional time must:

- seek approval from the relevant Director Schools
- acknowledge that their child will not receive whatever instruction is given to the rest of their class at that time.

Parents and carers must also advise tutors that:

- the tutor must agree to be screened by the Directorate to ensure they are a suitable person for working with children and young people
- the tutor must provide evidence that they have the required insurance cover
- the tutor must hire the school facilities they use.

5.4.3 Paid support persons (interim arrangements)

In special circumstances, parents or carers may offer financial resources, and/or seek to provide the services of an identified person, to supplement assistance to a student with special needs. Parents or carers should approach the relevant School Network Leader and the Director Student Services and Equity to discuss such arrangements.

Where agreement is given for such arrangements, parents or carers must ensure that:

- the identified support person agrees to be screened by the Directorate
- the support person or the parents or carers are able to provide evidence of required insurance cover
- other relevant paperwork for visitors is completed.

Principals must ensure that these requirements have been met before any arrangement takes effect.

Directorate documents and policies related to visitors

Acceptable Use of Information Technology Resources Statement

Appointment and Functions of Authorised Persons

Chaplaincies in ACT Government Schools

Director-General's Financial Instructions

Child Abuse and Neglect – Guidelines for Schools and Preschools

Outdoor Adventure Activities – Policy and Mandatory Procedures

Paid Tutors – Policy and Implementation Guidelines

Parents/Carers as Partners in Schooling

Religious Education in ACT Government Schools

School Canteens – Policy and Implementation Guidelines

Statement on Requesting Voluntary Financial Contributions from Parents

Unwelcome Visitors to Schools Handbook

Working with Children and Young People – Volunteering:

- Code of Conduct for Volunteers
- Guidelines for Staff
- Information Pack for Volunteers
- Policy
- Procedures
- Volunteer's Nomination Form

Definitions and abbreviations

ABN – Australian Business Number

ACT Government agency staff – Employees of the ACT Government, including health professionals and emergency service personnel, who may visit schools in the course of their work.

Commercial arrangement – A formal agreement under which individuals or organisations are engaged by schools, using school or parent funding, to provide support, enrichment or specialist activities for a range of student programs.

ETD, the Directorate – Education and Training Directorate

Duty of care – The responsibility to exercise reasonable care to protect the safety of any student against injury that should reasonably have been foreseen. This duty exists whenever a student–teacher relationship exists, while students are on school premises during hours when the school is open, and during school-based activities taking place elsewhere.

Guest – A parent or carer who visits a school to meet with the principal or other staff member or to attend a school function.

Local area network – The network of computers used for teaching purposes within a school.

MOU – memorandum of understanding

Official guest – A person, such as a dignitary or a person recognised in the community or in a field of interest or expertise, who visits a school at the invitation of the principal or the Director-General and is accompanied by the principal or a delegated member of staff during the visit.

Parents and carers – People with parental responsibility and guardians.

Principal – the principal of a school; the manager for Preschool Sector, Special Education or Student Support; or delegated officer/s.

Private support arrangement – A formal agreement for the Directorate to accept funding from parents to supplement assistance to a student with special needs, and for the parents to provide the services of an identified person for the purpose.

Screening – The process of checking a person’s national criminal history record.

Tutors, paid or private – People who provide specialised tuition to students, funded by parents under arrangements set out in the Directorate’s Paid Tutors policy (and/or interim arrangements consistent with that policy) and the Visitors in Schools Framework.

Visitors – People from the wider community, including the international community, who provide services directly to students or in support of students, through an employing or sponsoring organisation.

Visitors as volunteers – Visitors who come under the auspices of not for profit organisations and whose assistance to schools would otherwise fit within the Volunteering policy framework.

Volunteers – People who, in accordance with government policies, provide support of benefit to the community, of their own free will, without monetary reward and under the auspices of an ACT Government agency.

Summary of Insurance Arrangements for Visitors

Inquiries regarding insurance should be directed to the Risk Management and Audit section, by phoning 6207 1974 or by emailing dougal.wilson@act.gov.au.

Workers compensation and personal accident cover

Workers compensation insurance must be maintained as required by law. Where workers compensation insurance is not required by law, the organisation should consider appropriate personal accident and sickness cover for its staff and/or volunteers.

Public liability cover

Public liability insurance is required to a minimum of \$10 million. Cover of \$20 million may be required in some circumstances depending on the nature of the activities or services to be provided. Refer to the Department of Treasury website guide at <http://www.insuranceriskadvice.act.gov.au> for suggested activity ratings.

Insurance cover for visitors from overseas

Where visitors are from overseas, proof of travel insurance must be provided. Insurance cover held by persons from overseas, including public liability insurance, must note that the cover includes activities in Australia such as those being undertaken in the school.

Professional indemnity cover

Professional indemnity insurance cover is required where visitors provide professional instruction or advice. Visitors or their employing or sponsoring organisations should hold professional indemnity cover of at least \$1 million for any one claim or to a level appropriate to the activity.

Other insurance

Visitors or their employing or sponsoring organisations should ensure that any items they bring to the school are appropriately insured for their replacement value against all risks that the prudent businessperson would insure against.

Visitors in Schools Framework

Visitors providing services directly to
and in support of students

Code of Conduct

Visitors provide a range of services and support to schools. This may include interaction with individuals and small groups of students in a range of different activities.

To assist schools in providing a safe environment and a positive educational climate, visitors are asked to comply with this code of conduct. This code of conduct has been formulated to clarify the type of conduct that is expected of visitors participating in programs and activities in ACT Government schools.

As a visitor, you will:

- Observe similar standards of behaviour and ethical conduct to those required of Directorate staff. For example, you are expected to act within the law, be honest and fair, respect other people (including students), and work to the best standard of your ability.
- Appreciate that the principal is the spokesperson for the school.
- Appreciate that students have rights and aspirations. Treat students with dignity and respect.
- Observe confidentiality in respect of all information gained through your participation as a visitor. All information held by schools should be handled with care. Some information is especially sensitive. Sensitive and/or personal information requires additional caution in the way it is treated. For example, you should not discuss nor disclose to others personal information about students, staff or students' parents or carers.
- Accept and follow directions from the principal/supervisor/contact person and seek clarification where you may be uncertain of tasks or requirements. You may need to familiarise yourself with the Directorate's policies and guidelines on particular issues.
- Observe safe work practices which avoid unnecessary risks, apply reasonable instructions given by supervisors, and report to the supervising staff and school administration any hazard or hazardous practice in the workplace.
- Report any problems as they arise to your supervisor/contact person, including incidents, injury or property damage.
- Where you have access to school resources, avoid waste or extravagance and make proper use of the resources of the school/Directorate.

This code of conduct forms part of contractual arrangements between visitors and schools. Additional requirements are set out in the agreement relevant to the activity, service or program.